

REMARKS

Claims 1-22 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

The Examiner's attention is also respectfully drawn to the Supplemental Information Disclosure Statement being filed concurrently herewith.

DRAWINGS

The drawings stand objected to for certain informalities. Applicant(s) have attached revised drawings for the Examiner's approval. In the "Replacement Sheet(s)" Figure 1 has been amended by adding the legend "Prior Art", and Figure 17 has been amended by correcting reference numeral "42" to read --40--.

Regarding the Examiner's request to label Figures 2A-B as Prior Art, applicants respectfully request reconsideration. Reference JP 2001-371365 has the same inventive entity as the subject application. Thus, the invention described therein is not "by another" and should not be considered prior art. Furthermore, since the Examiner's rejection is made under 35 USC 103(a), it is improper to treat this reference as prior art. 35 USC 103(c), which provides that subject matter qualifying as prior art only under subsections 102(e), (f), and/or (g) shall not preclude patentability where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. Since both Reference JP

AMENDMENTS TO THE DRAWINGS

The attached "Replacement Sheet(s)" of drawings include(s) changes to Figures 1 and 17. The attached "Replacement Sheet(s)," replace the original sheet(s) including Figures 1 by adding the legend "Prior Art", and 17 by correcting reference numeral "42" to read --40--.

2001-371365 and the subject application are owned by the same company, the exception of Section 103(c) applies.

Reference JP 2001-267487 has a different inventive entity (inventor Makoto Kai is omitted), and thus would appear to be "by another" under 35 USC 102(e)(1). However, it does not appear to include the illustrations of FIGS 2A and 2B. Thus Reference JP 2001-267487 does not form a basis to label FIGS 2A and 2B as prior art. Also, since the Examiner's rejection is made under 35 USC 103(a), the argument that the rejection is improper under 35 USC 103(c) as explained above can be made and the exception applies.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-12, 15-20 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants' Admitted Prior Art Fig. 2A (AAPA) in view of Tomoyoshi (Japanese Pat. No. 2001266797 A). This rejection is respectfully traversed.

First, it should be clarified that the documents referenced on page 10, lines 9-10 of applicants' specification refer to *Japanese* patent application numbers (2001-267487 and 2001-371365). In addition, Applicants enclose herewith a certified English translation of the Japanese Priority Document No. 2002-186503, which thereby removes the cited reference as prior art. Accordingly, it is respectfully submitted that the rejection under 35 U.S.C. § 103 has been overcome.

ALLOWABLE SUBJECT MATTER

The Examiner states that claims 13-14 and 21 would be allowable if rewritten in independent form. Accordingly, Applicant(s) have amended claims 13 and 21 to include the limitations of the base claim and any intervening claims. Therefore, claims 13-14 and 21 should now be in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By: Greg Stobbs
Gregory A. Stobbs
Reg. No. 28,764

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

GAS/kk